

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:05-CV-477-K

W. WELLS VAN PELT, JR.)
)
Plaintiff,)
)
v.)
)
UBS FINANCIAL SERVICES, INC.)
)
Defendant.)
_____)

FILED
CHARLOTTE, N. C.
DEC 22 2005
U. S. DISTRICT COURT
W. DIST. OF N. C.

PLAINTIFF'S RESPONSE TO MOTION TO VACATE

This is plaintiff W. Wells Van Pelt's response to the Motion to Vacate filed by defendant UBS Financial Services, Inc. Plaintiff opposes defendant's motion for the reasons stated herein.

Defendant listed six grounds for vacating the panel's arbitration award, but did not provide any factual basis or legal basis for its allegations. The Court's December 5, 2005, order states that the Court expects that defendant will file a supporting memorandum "in a timely fashion in order to give the Court sufficient information upon which to base a ruling."

Plaintiff contends that defendant's motion lacks merit and should be dismissed and requests that his Motion for Confirmation Award be allowed without delay. Therefore, plaintiff requests that the Court establish a deadline within which defendant must submit a memorandum in support of its motion to vacate.

WHEREFORE, plaintiff requests that the Court grant the following relief:

1. Deny defendant's Motion to Vacate;
2. Allow plaintiff's Motion for Confirmation of Arbitration Award;

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3. Establish a deadline within which defendant must submit a memorandum in support of its Motion to Vacate; and
4. Grant such other and further relief as the Court deems just and proper.

Date: December 21, 2005

s/ Andrew O. Whiteman
Andrew O. Whiteman Bar Number: 9523
Attorneys for Plaintiff
Hartzell & Whiteman, L.L.P.
2626 Glenwood Avenue, Suite 500
Raleigh, North Carolina 27608
Telephone: (919) 571-8300
Fax: (919) 571-1004
E-mail: andywhiteman@hwlawyers.com

s/ Fred B. Monroe
Fred B. Monroe Bar Number: 23438
Attorneys for Plaintiff
James, McElroy & Diehl, P.A.
600 South College Street, Ste. 3000
Charlotte, NC 28202
Telephone: (704) 372-9870
Fax: (704) 333-5508
E-mail: FMonroe@JMDLaw.com

Of Counsel:

Sarah G. Anderson, Esq.
Clawson & Staubes, LLC
126 Seven Farms Drive, Suite 200
Charleston, SC 29492-7595

Charles P. Murdter, Esq.
1050 Connecticut Avenue
Suite 1000
Washington, DC 20036

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the attached document or pleading was served upon all parties by United States Mail, addressed to:

George C. Covington, Esq.
William O. L. Hutchinson, Esq.
Kennedy Covington Lobdell & Hickman, L.L.P.
Hearst Tower, 47th Floor
214 North Tryon Street
Charlotte, NC 28202

Date: December 21, 2005

s/ Andrew O. Whiteman
Andrew O. Whiteman